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## Delaware gays hope for marriage rights

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News*

DOWNSTATE - A U.S. Supreme Court decision striking down a Texas law banning consensual homosexual activity has many wondering whether same-sex couples will eventually have the rights and privileges afforded traditional married couples.

In Delaware the spotlight remains on House Bill 99, which would outlaw discrimination based on a person's sexual orientation.

"Right now, the concern in Delaware is banning discrimination based on someone's sexual orientation," Gov. Ruth Ann Minner said.

"Simply making sure that people are treated equally under the law when it comes to jobs, housing and accommodations is the



Corey Marshall-Steele, left, and Douglas Marshall-Steele are a gay couple who reside in Milton. They had their union blessed by an Episcopal priest eight years ago. The Marshall-Steeles, who legally adopted the hyphenated surname - their former surnames in alphabetical order - also took steps to be in each other's will and to give each other power of attorney, steps that would have been unnecessary if they had the same status as married heterosexuals. **Delaware State News/Jason Minto**

current discussion in Delaware, and that is the one we are focused on."

HB 99 cleared the state House of Representatives in June and awaits Senate consideration.

Nationally, however, an amendment to the U.S. Constitution limiting marital rights to a man and woman is being discussed and President Bush has said he would support such restrictions.

"To me, marriage is a man and a woman," President Bush said in a news conference last month.

A law permitting homosexual marriage would not force churches to perform ceremonies on same-sex couples, but would create civil unions that would grant married homosexuals the same benefits that heterosexual couples enjoy.

Granting legal status to homosexual unions would make it easier to inherit jointly owned property when a partner dies, such as a bank account, for example.

It also could allow a partner to be covered on a spouse's health insurance policy, much the way a husband can be covered on the insurance policy provided by the wife's employer.

Some businesses, such as Wal-Mart, already provide such benefits to homosexual couples.

Any law would focus on legal issues, such as granting a marriage license or allowing a spouse to receive survivor's benefits, not religious aspects.

The Catholic and Methodist churches do not offer any sort of religious blessing for homosexual couples, but Delaware's Episcopal diocese is one of three nationally that offer such ceremonies.

The Vatican recently released a statement extolling all Catholic lawmakers to oppose legislation permitting same-sex marriages.

"To vote in favor of a law so harmful to the common good is gravely immoral," the Vatican said in its statement.

"No ideology can erase from the human spirit the certainty that marriage exists solely between a man and a woman."

Douglas and Corey Marshall-Steele, of Milton, had their union blessed eight years ago. The couple sent out engraved invitations to the ceremony, which was performed by an Episcopal priest, exchanged rings and had a wedding cake.

The men also set a Delaware legal precedent by combining their last names to reflect their relationship.

"For gay people not to have marriage sends a very strong message that we are second-class citizens," Douglas Marshall-Steele said.

"We definitely feel we are on the back of the bus."

While heterosexual couples gain about 2,000 rights and responsibilities upon marriage, none are bestowed upon homosexual couples because no legal way exists for them to wed.

The Marshall-Steeles took legal steps to be in each other's will and to give each other power of attorney, steps that would have been unnecessary if they had the same status as heterosexuals.

Douglas Marshall-Steele likens the legal obstacles to homosexual marriage to the long-repealed statutes banning interracial marriage. He noted the U.S. Supreme Court nixed the prohibition on interracial marriage in 1967.

"Once gay people can marry in one state, it will become required in all states," he said.

Court cases in Massachusetts and New Jersey seek to force those states to provide homosexual couples civil unions, which would give them the same legal rights as married heterosexuals.

A ruling in the Massachusetts case is expected soon, probably this month. The New Jersey case was filed earlier this year and is not near a decision.

"Nationally, the public is becoming more understanding and accepting of homosexuals," said Lara Schwartz, a spokeswoman for the national Human Rights Campaign, a homosexual rights group.

"An overwhelming majority of people agree that homosexuals should have the same rights as heterosexuals."

A bill that would allow civil unions in Delaware failed in 1996 and has not been revived since. The same year, then-Gov. Thomas R. Carper signed legislation explicitly defining marriage in Delaware as a union between a man and woman.

House Speaker Terry R. Spence, R-New Castle, said he did not anticipate any attempts to legalize civil unions in the upcoming legislative session.

"I don't see that happening," Rep. Spence said.

"There have been no discussions that I know of to this point. I have not heard anything."

Homosexuals in Delaware have seen their political muscle strengthened. At least two homosexuals have been elected to offices, and a political action group surveys candidates to see their views on issues important to the homosexual community.

The Stonewall Democrats, a group of gay, lesbian, bisexual and transgendered Democrats, recently held a fund-raiser in Rehoboth Beach that drew Gov. Minner and many other Democratic officials. The event featured Rep. Barney Frank, D-Mass., the only openly gay member of Congress.

"We hope to give a voice to our community," said Tim Spies, a Rehoboth Beach resident who heads the group.

"We hope to play a role in selecting candidates as well as representing the concerns of gay, lesbian, bisexual and transgendered people in Delaware."

Though marriages of heterosexual couples in one state must be honored in other states, homosexual civil unions do not have the same benefit.

Civil unions in Vermont, for example, do not have to be honored in Delaware. That's because in 1996 Congress passed and President Clinton signed a law legally defining marriage on the federal level as only pertaining to a heterosexual couple.

The Defense of Marriage Act, as the bill was called, also allowed states to disregard same-sex unions from other states.

The recent U.S. Supreme Court ruling striking down the Texas statute banning homosexual acts and the pending cases in New

Jersey and Massachusetts has opponents of gay marriage worried that the Defense of Marriage Act could be overturned and homosexuals may gain the right to marry.

Those concerns have spurred talk of amending the U.S. Constitution to explicitly define marriage as a man-woman union, but some lawmakers want the marriage issue left to the states, which have to this point overseen the practice.

"The states are well-equipped to deal with marriage within their own borders," said Sen. Carper.

"My inclination is to leave to the states the prerogative of making these decisions. We amend the constitution very rarely. I am not sure if this rises to that level."

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